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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 IN RE: INCRETIN MIMETICS  
11 PRODUCTS LIABILITY  
12 LITIGATION,

) MDL Case No.13md2452 AJB (MDD)

) As to all related and member cases

13 ) ORDER GRANTING JOINT  
14 ) MOTION FOR MODIFICATION OF  
15 ) SCHEDULING ORDER  
16 ) FOLLOWING FEBRUARY 2, 2015  
17 ) TELEPHONIC STATUS  
18 ) CONFERENCE

19 On February 2, 2015, the Court held a Telephonic Status Conference in the above  
20 action to address the issues set out by the parties in their Joint Agenda. (Doc. No. 920.)  
21 Judge Highberger of the Los Angeles County Superior Court participated, as did the  
22 attorneys identified in Court's Exhibit 1 to the hearing. The following issues were  
23 discussed on the record:

24 I. Status of Preemption and General Causation Expert Schedule

25 On January 30, 2015, the parties filed a joint motion for modification of the  
26 scheduling order related to expert deadlines. (Doc. No. 923.) Upon review of the joint  
27 motion and discussion with counsel, the Court hereby **GRANTS** the parties' joint  
28 motion. Accordingly, the Court orders as follows:

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1                   As to Preemption:

2                   A.     Rebuttal reports as to preemption will be due five days after the  
3                             Court rules on Defendants' motions to disqualify Plaintiffs'  
4                             expert Dr. G. Alexander Fleming (Doc. Nos. 902, 908).

5                   As to General Causation:

6                   A.     **March 19, 2015** -Plaintiffs' disclosure of experts and their  
7                             reports as to general causation must be served by this date.

8                   B.     **April 17, 2015** -Defendants' disclosure of experts and their  
9                             reports as to general causation must be served by this date.

10                  C.     **April 27, 2015** -Plaintiffs' rebuttal reports as to general causa-  
11                             tion must be served by this date.

12                  D.     **June 12, 2015** -All expert discovery as to general causation  
13                             must be completed by this date.

14                  In accordance with the parties' joint motion, it is further ordered that should  
15                  Plaintiffs' expert Dr. G. Alexander Fleming be disqualified, Plaintiffs will not use the  
16                  disqualification motions and/or rulings as a basis to request additional time for its  
17                  preemption or general causation expert designations, reports, and/or schedule, except  
18                  that Plaintiffs reserve the right to request additional time to identify a replacement  
19                  endocrinologist and/or regulatory expert on general causation and/or preemption.  
20                  Defendants reserve their right to oppose such a request on any grounds.

21                  II.     Common Benefit Fund Order

22                  Counsel for the parties are working to resolve remaining disputes and otherwise  
23                  finalize the Common Benefit Fund Order.

24                  III.    Status of Consolidated Thyroid Cases

25                  Following the status updates in MDL proceedings, the Court inquired as to the  
26                  status of the thyroid cancer cases, consolidated under Lead Case No. 13cv1114. The  
27                  Court will issue a separate order regarding those matters in Case No. 13cv1114.


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1           IV.   Next Status Conference

2           The Court will hold another Status Conference on **March 12, 2015, at 2:00 p.m.**,  
3 immediately following Defendants' motions to disqualify Dr. G. Alexander Fleming as  
4 an expert for Plaintiffs. Counsel are permitted to attend the Status Conference in person  
5 or telephonically. Any call-in instructions, topics for discussion, and a list of individuals  
6 who will appear telephonically must be submitted to the Court via e-file no later than  
7 **Tuesday, March 10, 2015 at 12:00 p.m.**

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9 **IT IS SO ORDERED.**

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11 DATED: February 5, 2015

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14 Hon. Anthony J. Battaglia  
15 U.S. District Judge  
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